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August 29, 2008

VIA FACSIMILE (212-805-6326)

Honorable Colleen McMahon
United States District Judge
United States Courthouse
Southern District of New York
500 Pearl Street, Room 640
New York, New York 10007-1312

MEMO ENDORSED

Re: Ward v. Any-Time Home Care, Inc. & Scout
Enterprises, Inc.
08 Civ. 6974

Dear Judge McMahon:

We represent Defendants, Any-Time Home Care, Inc. and Scout Enterprises, Inc., in the above referenced matter.

We submit this letter pursuant to Rules 21 and 22 of the Local Rules for the Division of Business Among District Judges to respectfully request that this case be reassigned from New York City to White Plains.

Rule 21 states, in pertinent part:

A civil case shall be designated for assignment to White Plains if:

- (i) The claim arose in whole or in major part in the Counties of Dutchess, Orange, Putnam, Rockland, Sullivan, and Westchester (the "Northern Counties") and at least one of the parties resides in the Northern Counties; ...

All of the material facts asserted in the Complaint allegedly occurred in the County of Orange. Plaintiff was employed as the branch manager of Defendant's Middletown and Newburgh facilities (see Complaint ¶13), each located in Orange County. Plaintiff principally worked out of the Middletown facility. Finally, Plaintiff alleges that her medical condition was caused and/or exacerbated by allergens in Defendant's Middletown facility. See Complaint ¶17-20.

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Moreover, Defendants Scout Enterprises, Inc. and Any-Time Home Care, Inc. (collectively, "Defendant") is a corporation with its headquarters located in the County of Rockland, at 127 South Broadway, in Nyack, New York. Upon information and belief, Plaintiff Jeannine Ward, resides in the County of Orange, at 616 Kirbytown Road, in Middletown, New York. Thus, *both* parties reside in the "Northern Counties."

Further, to the best of Defendants' knowledge, all of the relevant witnesses currently work in the Northern Counties. Maintaining this action in New York City would impose an undue burden on Defendants, as well as all the non-party witnesses in this matter. In addition, it does not appear that transferring the case to the White Plains courthouse would burden Plaintiff. Therefore, consistent with Rules 21 and 22, we respectfully request this matter be officially transferred to the District Court sitting in White Plains.

A copy of this correspondence has been sent to Plaintiff's counsel. Thank you for your attention to this request.

Respectfully submitted,

JACKSON LEWIS LLP

A handwritten signature in black ink, appearing to read "G. Riolo", written over a horizontal line.

Greg A. Riolo

cc: Michael L. Abitabilo, Esq.
Ryan S. Goldstein, Esq. (via facsimile (212) 422-1069)